REMARKS

Claims 1, 10, 11, 17, 23, 28, 32, 36, 40 and 41 are currently amended and claims 1-41 remain in the Application for consideration. In view of the following remarks, Applicant traverses the Office's rejections and respectfully requests that the Application be forwarded on to issuance.

Claim Objections

Claim 1 stands objected to based on its recitation of the term "a variety". The Office alleges that this term is vague and indefinite. While Applicant respectfully disagrees, Applicant has nonetheless amended the claim to overcome this objection.

Claim 32 stands objected to based on the presence of two punctuation marks at the end of the claim. Applicant has deleted one of these punctuation marks to overcome this objection.

§ 112, First Paragraph, Rejections

Claims 1-16 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. Applicant respectfully disagrees and hereafter addresses the Office's rejections with regard to the specific claims.

With regard to claim 1, the Office argues that "it is unclear how the identification is carried out from monitoring without certain determination steps between the monitoring process and the identification process." Office Action at page 2. However, Applicant respectfully disagrees and submits that the Specification clearly enables the feature of identifying one or more player-

exploitable game conditions. Specifically, the Office is directed to paragraphs 54-56 of the Specification which discuss this particular feature. Particularly pertinent is paragraph 56, which is excerpted below for the convenience of the Office [emphasis added].

> In 510 of the cheater detection process 500, the threshold value for the player monitor is applied to at least one player within the game. If the play of any player exceeds the threshold value, then their play is logged in 512 within the criteria based logging portion 204 as shown in Fig. 2. Such logging of the play includes storing data inputs (e.g., keystrokes) compared to the state of the game at that particular time that can be used to indicate whether the player is cheating. As described relative to Figs. 2 and 3, the logging activity is optional in certain versions of games. The logged play can thereupon be examined by, for example, a game operator to determine whether the play constitutes cheating. ***By having a detailed log of the cheater's actions, the game operator can not only punish the cheater accordingly, but also consider any*** *__player-exploitable game condition__*__.__ If desired, the game operator can also correct, or work with the game designer to correct, the player-exploitable game condition. Such correction removes the player-exploitable game condition so that subsequently none of the players in the game can exploit that game condition.

Accordingly, Applicant submits that this section of the Specification (among others) discusses and enables this feature of claim 1.

The Office further argues that claim 4 fails to comply with the enablement requirement. Specifically, the Office argues that it is unclear how the feature of "wherein the monitoring checks for cheaters" functions without any determination steps. However, Applicant respectfully disagrees and refers the Office to paragraphs 54-56 of the Specification. Paragraph 56 (excerpted above) in particular discusses this feature and how it is enabled within Applicant's claimed embodiment. Accordingly, Applicant submits that the subject matter of claim 4 is enabled by the Specification.

Applicant respectfully requests that the rejection of claims 1-16 under § 112, first paragraph, be withdrawn.

§ 112, Second Paragraph, Rejections

Claims 10, 11, 28, 30, 31, 36, 38 and 39 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees and hereafter discusses these rejections with regard to the specific claims.

With regard to claim 10, the Office argues that there is insufficient antecedent basis for the feature of "the cheater's privileges". Applicant has amended the claim to overcome this rejection.

With regard to claim 11, the Office argues that there is insufficient antecedent basis for the features of "other players" and "the cheater". While Applicant respectfully disagrees at least with respect to the feature of "other players", Applicant has nonetheless amended the claim to overcome these rejections.

With regard to claims 28 and 36, the Office argues that there is insufficient antecedent basis for the features of "the rollover rate." Applicant has amended the claims to overcome these rejections.

With regard to claims 30, 31, 38 and 39, the Office argues that there is insufficient antecedent basis for the recited feature of "cheaters". Specifically, the Office argues that "it is unclear what defines 'cheaters'". Office Action at page 3. Applicant respectfully disagrees and submits that Applicant's Specification clearly

defines the term "cheater". As but one example, paragraph 9 of the Specification explains that:

> Many ***cheaters as described in this disclosure are exploiting a "player-exploitable game condition" in the game.*** In this disclosure, the term "player-exploitable game conditions" describes a programming condition, situation, and/or aberration from a standard game and player that would give a cheating party an advantage over an honest player. Player-exploitable game conditions may result from the game itself and/or players of the game [emphasis added].

Accordingly, Applicant submits that the term "cheater" is clearly defined in Applicant's Specification and that the Office's rejection is improper.

Based at least on the discussion above, Applicant submits that these claims comply with the requirements of § 112, second paragraph. Applicant respectfully requests that the rejections under § 112, second paragraph, be withdrawn.

§ 101 Rejections

Claims 17-22 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. While Applicant respectfully disagrees, claim 17 has been amended to overcome this rejection.

§ 102 and § 103 Rejections

Claims 1-11, 14-22, 40 and 41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "Security Issues in Online Games" by Jianxin Jeff Yan, et al. (hereinafter "Yan").

Claims 12, 13, 23, 24, 27-33 and 35-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yan in view of U.S. Patent No. 6,979,267 to Leen, et al. (hereinafter "Leen").

Claims 25, 26 and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yan in view of Leen and further in view of U.S. Patent Pub. No. 2003/0216962 to Heller, et al. (hereinafter "Heller").

The Claims

Claim 1 is amended, and as amended recites a method comprising [added language is indicated in bold italics]:

- monitoring players in a game; *and*
- *based on said monitoring, identifying* one *or more* player-exploitable game conditions, *wherein at least some of the player-exploitable game conditions are produced by the game itself and are identified, at least in part, by observing a player's play of the game*.

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Yan. Applicant respectfully disagrees and submits that Yan fails to disclose or suggest all of this claims recited features.

Specifically, Yan fails to explicitly teach or suggest the feature of *identifying* one or more player-exploitable game conditions, *wherein at least some of the player-exploitable game conditions are produced by the game itself and are identified, at least in part, by observing a player's play of the game*. In particular, Yan discusses a cheating detection engine that looks for specific "triggering events" within *predefined* game events and variables. Yan at page

130. Nowhere, however, does Yan disclose or suggest the ability to *identify* one or more player-exploitable game conditions that are produced by the game itself, and particularly wherein the game conditions are identified, at least in part, by observing a player's play of the game. In contrast, Yan appears to rely on the monitoring of *pre-identified* cheating behaviors.

Accordingly, and for at least the reason discussed above, Yan fails to anticipate this claim and this claim is allowable.

Claims 2-16 and 40-41 depend from claim 1 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested by the reference of record. In addition, to the extent that claim 1 is allowable, the further rejection of claims 12 and 13 as being obvious over Yan in view of Leen is not seen to add anything of significance.

Claim 17 is amended, and as amended recites an apparatus *implemented at least in part by a computing device* comprising [added language is indicated in bold italics]:

- a game including a cheater detection portion that *identifies one or more player-exploitable game conditions and* detects players who are exploiting at least one *of said* player-exploitable game conditions, *wherein at least some of the player-exploitable game conditions are produced by the game itself and are identified, at least in part, by observing a player's play of the game*.

In rejecting this claim, the Office argues that its subject matter is anticipated by Yan. Applicant respectfully disagrees and submits that Yan fails to disclose or suggest all of this claims recited features.

Specifically, and as discussed above, Yan neither discloses nor suggests the feature of *identifying* one or more player-exploitable game conditions, wherein at least some of the player-exploitable game conditions are produced by the game itself and are identified, at least in part, by observing a player's play of the game. This feature is simply missing from Yan.

Accordingly, Yan fails to anticipate this claim and this claim is allowable.

Claims 18-22 depend from claim 17 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 17, are neither disclosed nor suggested by the reference of record.

Claim 23 is amended, and as amended recites a method comprising:

- setting a threshold for a game;
- monitoring play of a plurality of players for the game;
- determining whether the threshold is exceeded for any of the players of the game; and
- logging the play of the player whose play exceeds the threshold.

In making out the rejection of this claim, the Office argues that its subject matter is obvious over Yan in view of Leen. Applicant respectfully disagrees and submits that the Office has failed to establish a *prima facie* case of obviousness with respect to this claim for at least the reason that the cited references fail to disclose or suggest all of this claims recited features.

Specifically, neither reference explicitly teaches or suggests the features of setting a threshold for a game and determining whether the threshold is exceeded for any of the players of the game. In its argument, the Office admits that Yan fails to specifically disclose this feature. The Office then argues, however, that it

"***believes*** [these features] may be inherent within the operation of a built-in cheat detection system...." Office Action at page 8 (emphasis added). In support of this belief, the Office cites to Leen at column 8, lines 29-40. This section of Leen is excerpted below for the convenience of the Office [emphasis added].

> For example, platform 106 may audit the execution of a gaming application 114 by a particular user by comparing any combination of event information 152, statistics information 154, and profile information 156 associated with the user. Platform 106 may further measure any combination of event information 152, statistics information 154, and profile information 156 against certain ***predetermined thresholds associated with the user***. In this regard, platform 106 may determine whether the user is playing a particular gaming application 114 at an expected skill level. Such an audit of player performance may reveal cheating or other anti-competitive behavior.

Thus, Leen discusses predetermined thresholds associated with a ***user***. In contrast, the present claim recites setting a threshold for a ***game***. Leen apparently fails to disclose or suggest a threshold associated with a game.

Accordingly, and for at least this reason, the Office has failed to establish a *prima facie* case of obviousness and this claim is allowable.

Claims 24-31 depend from claim 23 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 23, are neither disclosed nor suggested by the reference of record. In addition, to the extent that claim 23 is allowable, the further rejection of claims 25 and 26 over Yan in view of Leen and in further view of Heller is not seen to add anything of significance.

Claim 32 is amended, and as amended recites a computer readable medium having computer executable instructions that, when executed by a processor, causes the processor to:

- set a threshold for a game;
- monitor play of a plurality of players for the game; and
- determine whether the threshold is exceeded for any of the players of the game.

In rejecting this claim, the Office argues that its subject matter is obvious over Yan in view of Leen. Applicant respectfully disagrees and submits that the Office has failed to establish a *prima facie* case of obviousness with respect to this claim for at least the reason that the cited references fail to disclose or suggest all of this claims recited features.

The arguments presented by the Office in rejecting this claim are the same as those presented for claim 23, above. However, as explained above, Leen neither discloses nor suggests the feature of setting a threshold for a *game*. This feature is apparently absent from both Yan and Leen. Accordingly, the Office's *prima facie* case of obviousness fails and this claim is allowable.

Claims 33-39 depend from claim 32 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 32, are neither disclosed nor suggested by the reference of record. In addition, to the extent that claim 32 is allowable, the further rejection of claim 34 over Yan in view of Leen and in further view of Heller is not seen to add anything of significance.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 6/26/06   By: _____
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